

REMARKS

Favorable reconsideration of this application is requested.

Claims 1, 4, 5, and 7-13 are in the case.

Consistent with the discussions with the Examiner, Mr. Hendricks, and helpful suggestions by him, the claims have been amended in a manner believed to place them in condition for allowance.

With regard to the rejection of Claims 1, 4, 5 and 8 under 35 U.S.C. § 102(b) as being anticipated by Nagata et al., and of Claims 12 and 13 under 35 U.S.C. § 103 as being unpatentable over Nagata et al., the following is submitted in traversal thereof. It is noted that no rejection of Claim 7 is made over this reference.

Features neither disclosed nor made obvious by Nagata et al. is the use of salt water in an amount of both 1.50 times the weight of the raw material mixture, and that such salt water has a concentration of 7 to 24%, as in the specific examples of the case, so recited in Claims 8-13, or, in the alternative, as in Claim 1, 4, 5 and 7, the amount of salt water is 1.35-1.50 times the raw material mixture and the salt water has a concentration of 7-22%. Unobviously superior results are obtained due to these limitations with regard to JAS color code, total nitrogen content, glutamic acid content, and the amount of glutamic acid per unit of nitrogen. This is so demonstrated by the results set forth in Tables 1 and 2 at pages 8 and 9 of the specification, reproduced below. The Examiner, while asserting obviousness of the percentage limitation, has not set forth reasons why the use of the particular amount of salt water as set forth in these claims, i.e., 1.50 times, or concentration of salt water, not so specifically disclosed by the reference, would be obvious to achieve these superior results.

Table 1

No.	Salt (%)	JAS color code	TN (%)	Glu (%)	Glu/TN (mg/g)
1	7	42	3.14	4.24	1350
2	15	40	2.99	4.38	1465
3	22	37	2.93	4.49	1532
4	24	35	2.95	4.07	1380
5	26	31	2.95	3.57	1210

Table 2

No.	fermentation temp. (°C)		JAS color code	TN (%)	Glu (%)	Glu/TN (mg/g)
	0-1 month	1-3 months				
6	10	10	41	3.00	4.84	1613
7	10	20	40	2.99	4.38	1465
8	20	20	40	3.04	3.74	1230

The result-effectiveness due to the claimed limitations with regard to the selection of a particular amount of salt water and wherein such salt water also has a particular concentration of salt therein manifestly is unobvious, rebutting any possible *prima facie* case of obviousness conceivably made out by the references. Note *In re Antonie*, 195 USPQ 6. Such result in effectiveness could not have been foreseen.

Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 102 and § 103 over Nagata et al. is requested.

With regard to the rejection of the claims under 35 U.S.C. § 102(b) as being anticipated by Fukushima et al., at least two material distinctions are present.

A. The claimed method is a fermentation process carried out for a specific length of time and at specific temperatures. Such is not the case in Fukushima et al.

Thus, Fukushima et al. relates to a process for producing a seasoning having high nitrogen concentration by hydrolyzing a proteinaceous material with enzyme, characterized in that common salt is added to the decomposed Moromi or the Moromi temperature is lowered, then the Moromi is allowed to stand and press filtered by a conventional method.

Note the Abstract.

B. Such hydrolysis is distinctly different from the claimed fermentation in both objective and results. The present invention provides a method for preparing a seasoning having a remarkable umami taste and excellent aroma. The invention of Fukushima et al., on the other hand, relates to a method for producing a seasoning having a high nitrogen content which has no possibility of forming dregs during storage of the product after heat treatment and dregs removal treatment.

Materially different processes and objectives thus are involved in the respective inventions. Fukushima et al. manifestly teaches away from Applicants' discovery, the claimed fermentation process not being interchangeable with the hydrolysis process of Fukushima et al. Clearly, thus, anticipation, within the meaning of § 102 of the Statute, is not present.

Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 102 over Fukushima et al. is requested.

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It is submitted that this application is now in condition for allowance and which is solicited.

Respectfully submitted,

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